

CNR

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

CLYDE DANIEL,

Defendant.

C O M P L A I N T

(18 U.S.C. § 922(g)(1)
and 21 U.S.C. §
841(a)(1))

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

GREGORY C. KIES, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about October 21, 2011, within the Eastern District of New York and elsewhere, the defendant CLYDE DANIEL, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce ammunition, to wit: 9 rounds of ammunition.

(Title 18, United States Code, Section 922(g)(1)).

Upon information and belief, on or about and between October 16, 2011 and October 21, 2011, both dates being approximate and inclusive, within the Eastern District of New York, the defendant CLYDE DANIEL, together with others, did knowingly and intentionally distribute and possess with intent to

distribute a controlled substance, which offense involved 28 grams or more of cocaine base, commonly known as crack cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Section 846).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. Since October 2011, I have been conducting an investigation into a conspiracy to distribute cocaine, cocaine base, heroin and marijuana in and around Central Islip, New York by the defendant CLYDE DANIEL and others. In the course of its investigation of this matter, in or about October 2011, the FBI received information from a confidential informant ("CI"), who has proven to be reliable, indicating that the defendant CLYDE DANIEL was residing at 74 East Halley Lane, Central Islip, New York ("SUBJECT PREMISES"), and using that address as a base of operations to distribute drugs.

2. As a result of this information, and evidence corroborating that information gathered during surveillance of the SUBJECT PREMISES on October 20, 2011 and October 21, 2011, I applied for a search warrant for the SUBJECT PREMISES. Later that day, the Honorable William D. Wall, United States Magistrate Judge for the Eastern District of New York, approved a search

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

warrant for the SUBJECT PREMISES, which was executed by the FBI and the Suffolk County Police Department also on October 21, 2011.

3. During the search of the SUBJECT PREMISES pursuant to the search warrant, the FBI found approximately 7 grams of cocaine base, a digital scale, packaging materials, and a glass bowl and strainer containing cocaine base residue, all located in the kitchen of the SUBJECT PREMISES.

4. The defendant CLYDE DANIEL was then arrested, and advised of his Miranda rights, which he agreed to waive orally and in writing. In response to subsequent questioning, the defendant stated, in sum and substance, that since 2007, he has been selling crack cocaine, cocaine and heroin, including approximately 5,000 bags of heroin in the last two years, and that during the week immediately preceding the instant arrest, he purchased approximately a total of 35 grams of cocaine from a source on multiple occasions, cooked it into crack cocaine and sold it. The defendant also stated, in sum and substance, that he purchased for resale heroin, cocaine and crack from another source of supply approximately two weeks prior to the instant arrest.

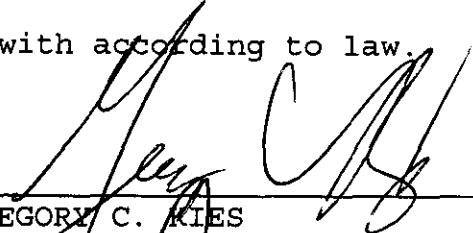
5. Subsequent to the defendant being placed under arrest and waiving his Miranda rights, the FBI, continuing the search pursuant to the warrant, recovered a loaded magazine

containing nine rounds of ammunition from the trash can just outside the SUBJECT PREMISES. When asked about the ammunition, the defendant stated that he had been in possession of the loaded magazine for approximately one year, holding it for a friend, but that he threw it in the trash can the night before the search warrant was executed because he was concerned about an increased law enforcement presence in his neighborhood.

6. I have reviewed criminal history records for the defendant, which reveal that he has been convicted of at least the following crime: on March 27, 2007, the defendant was convicted upon a plea of guilty in Suffolk County, New York of Attempted Criminal Sale of a Controlled Substance in the Third Degree, in violation of New York Penal Law 220.39(1), a Class C Felony, and sentenced to one year in jail.


7. I have spoken to an ATF interstate nexus expert and have determined that the above-mentioned ammunition was manufactured outside the State of New York.

WHEREFORE, your deponent respectfully requests that the defendant CLYDE DANIEL be dealt with according to law.



GREGORY C. RIES
Special Agent
Federal Bureau of Investigation

Sworn to before me this
24th day of October, 2011



HONORABLE A. KATHLEEN TOMLINSON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK